

HOUSE BILL No. 1108

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-12-1; IC 14-19-1-1; IC 14-22; IC 14-24-12-4; IC 14-28-5-4.

Synopsis: Local government definitions. Provides for the uniform use of the term "local unit" in Title 14 natural resources statutes. Replaces references to "local unit of government" and "unit of local government". Repeals expired provisions concerning fishing licenses during the world police and fire games.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1108

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-155 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 155. (a) "Local unit",
3 **except as provided in subsection (b), means a:**

- 4 (1) county;
- 5 (2) city;
- 6 (3) town; or
- 7 (4) township;

8 **located in Indiana.**

9 (b) "Local unit", for purposes of IC 14-28-5 ~~has the meaning set~~
10 ~~forth in IC 14-28-5-4.~~ **means a:**

- 11 (1) county;
- 12 (2) city;
- 13 (3) town; or
- 14 (4) **special taxing district created by law.**

15 SECTION 2. IC 14-12-1-9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The exclusive
17 purpose of the foundation is to acquire real and personal property to be



1 donated under subsection (b).

2 (b) The foundation may donate real and personal property to the
3 following:

4 (1) The department, subject to subsection (c).

5 (2) Any **local unit. of local government.**

6 (c) The foundation must have the approval of the director to donate
7 real or personal property to the state.

8 SECTION 3. IC 14-19-1-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The department shall
10 do the following:

11 (1) Have the custody of and maintain the parks, preserves, forests,
12 reservoirs, and memorials owned by the state.

13 (2) Adopt the necessary rules under IC 4-22-2 to secure
14 enforcement of this title.

15 (3) Prepare, print, post, or distribute printed matter relating to the
16 state parks and preserves.

17 (4) Subject to the approval of the governor, purchase land for
18 parks or preserves and scenic and historic places. For the purpose
19 of acquiring land for parks or preserves and scenic and historic
20 places, the commission may exercise the power of eminent
21 domain in the manner provided in IC 14-17-3.

22 (5) Accept in the name of the state by gift or devise the fee or
23 other estate in land or scenic or historic places.

24 (6) Employ, with the approval of the authorities having control of
25 a state penal institution, the convicts committed to a penal
26 institution for the purpose of producing or planting trees, clearing,
27 improving, repairing, draining, or developing land purchased or
28 acquired by the state for parks or preserves or as scenic or historic
29 places.

30 (7) Have the custody of all abstracts of title, papers, contracts, or
31 related memoranda except original deeds to the state, for land
32 purchased or received for parks or preserves or for scenic or
33 historic purposes under this section.

34 (8) Cooperate with:

35 (A) the department of environmental management;

36 (B) other state agencies; and

37 (C) local units; ~~of government;~~

38 to protect the water and land of Indiana from pollution.

39 (9) Have general charge of the navigable water of Indiana.

40 SECTION 4. IC 14-22-10-10, AS ADDED BY P.L.52-2001,
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2003]: Sec. 10. (a) Except as provided in subsection (b), the

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state is the sole regulator of the trapping of wild animals in Indiana, and trapping is regulated only by:

(1) statutes; and

(2) rules adopted under IC 4-22-2 by authority of statute.

(b) A **local unit of local government** may not regulate in any way the trapping of wild animals, except for the trapping of wild animals on or in land, buildings, or other real property that is owned by the **local unit of local government**.

SECTION 5. IC 14-22-10-11, AS ADDED BY P.L.52-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) As used in this section, "raptor" means a live migratory bird of the order Falconiformes or the order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

(b) Except as provided in subsection (c), a **local unit of local government** may not regulate in any way the ownership, possession, sale, transfer, or transportation of a raptor while Indiana is on the list of states meeting federal falconry standards maintained under 50 CFR 21.29(k).

(c) Subsection (b) does not apply to raptors on or in land, buildings, or other real property, other than a highway or public highway, that is owned by a **local unit of local government**.

SECTION 6. IC 14-22-31.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Except as specifically prohibited by this chapter, a local unit of **government** may regulate the location, use, operation, safety, and construction of a shooting range.

SECTION 7. IC 14-22-31.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. Notwithstanding any ordinance adopted by a local unit, ~~of government~~, a shooting range that is in existence before July 1, 1996, may do the following within the geographic boundaries of the shooting range as it existed on June 30, 1996:

(1) Repair, remodel, or reinforce a building or structure that is needed to ensure public safety or to secure the continued use of the building or structure.

(2) Reconstruct, repair, restore, or resume the use of a nonconforming building that has been damaged by fire, collapse, explosion, act of nature, or war after July 1, 1996. However, the reconstruction, repair, or restoration must be completed not more than one (1) year after the date of the damage to the building or the settlement of the property damage claim. If the reconstruction,

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1 repair, or restoration is not completed within one (1) year, the
2 local unit ~~of government~~ may terminate the continuation of the
3 nonconforming use.

4 (3) Expand or increase the membership of the shooting range or
5 opportunities for public participation at the shooting range.

6 SECTION 8. IC 14-24-12-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. As used in this
8 chapter, "person" means:

- 9 (1) an individual;
10 (2) a limited liability company;
11 (3) a corporation;
12 (4) an unincorporated organization or association;
13 (5) the state of Indiana;
14 (6) a **local** unit; ~~of local government~~;
15 (7) an agency; or
16 (8) a group of persons acting in concert.

17 SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE
18 JULY 1, 2003]: IC 14-8-2-154.5; IC 14-8-2-289; IC 14-12-1-3;
19 IC 14-22-12-1.6; IC 14-22-31.5-1; IC 14-28-5-4.

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